

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GILLES RUBINSTENN, DANIELA GIACCHETTI
& FRANCIS PRUCHE

Appeal 2008-3243
Application 10/024,615
Technology Center 2600

Mailed: October 24, 2008

Before DALE M. SHAW, *Chief Appeals Administrator*
SHAW, *Chief Appeals Administrator*.

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on April 15, 2008. A docketing notice was mailed and Appeal No. 2008-3243 was assigned May 7, 2008. A review of the application has revealed that the application was not ready for an appeal.

Appeal 2008-3243

Application 10/024,615

Accordingly, the application is herewith being remanded to the Examiner.

The matter requiring attention is identified below.

Claims 2-6, 8-17, and 19-44 of the instant application are set forth as method claims that may not fall with one of the four statutory categories of invention recited in 35 U.S.C. § 101. On May 15, 2008 the Deputy Commissioner for Patent Examining Policy, John J. Love, issued a memorandum entitled "Clarification of "Processes" under 35 U.S.C. § 101." This memorandum is further used in conjunction with the Interim Guidelines and the Manual of Patent Examining Procedure § 2106.IV.B, when determining whether a claimed invention falls within a statutory category of invention. There is a question as to whether claims 2-6, 8-17, and 19-44 meet the requirements of being a patent eligible process under 35 U.S.C. § 101.

Accordingly, it is

ORDERED that the application is remanded to the Examiner to determine if claims 2-6, 8-17, and 19-44 meet the requirements of being a patent eligible process under 35 U.S.C. § 101.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS

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